

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

April 5, 2007

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, April 5, 2007, at 1:30 P.M., in the Human Resources Training Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Darrell Downing, Chair; Bill Johnson; Bob Aldrich; Elizabeth Bishop (In @ 1:35); M.S. Mitchell; Don Sherman; Bud Hentzen; John W. McKay, Jr. (In @ 1:45); Ronald Marnell; Hoyt Hillman; Morris K. Dunlap; Michael Gisick and G. Nelson Van Fleet. Don Anderson was not present. Staff members present were: John L. Schlegel, Secretary; Dale Miller, Current Plans Manager; Donna Goltry, Principal Planner; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Jess McNeely, Senior Planner; Derrick Slocum, Associate Planner; Scott Knebel, Principal Planner and Maryann Crockett, Recording Secretary.

CHAIRMAN DOWNING began the meeting by thanking the Commission members for the confidence they have placed in him by electing him Chairman. In addition, he said due to the temporary location of today's meeting, he requested that Commission members share the microphones provided on each table.

❖ SUBDIVISION ITEMS

1. Consideration of Subdivision Committee recommendations from the meeting of March 22, 2007.
- 1-1. **SUB 2007-10: One-Step Final Plat -- McPEAK ADDITION**, located east of Tyler Road and north of Maple Street.

Note: This is an unplatted site located within the City.

STAFF COMMENTS:

- A. Sanitary sewer services are available to serve the site. City Water Utilities Department has required that the owner provide a petition for future water on Socora and pay in lieu of assessment to connect a new house on lot 2 to water. In the alternative, the owner may extend water at this time on Socora and have both lots assessed in addition to the lots across the street on Socora.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. As per City Engineering, the drainage plan is approved. A cross-lot drainage easement is needed.
- D. The signature line for the County Clerk needs to be revised to reference "Don Brace".
- E. With the approval of this plat, a waiver of the lot depth to width ratio of the Subdivision Regulations for Lot 2, Block A has been approved.
- F. The legal description needs to be corrected.
- G. GIS has requested the streets be labeled as: "2nd St N" and "Socora Dr".
- H. A dedication of an additional 2-foot of street right-of-way is requested along Socora.
- I. The Subdivision Committee approved the plat with a platted building setback of 85 feet from the east property line and 25 feet from the south property line.
- J. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat

will be subject to submittal of this binder and any relevant conditions found by such a review.

- K. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve items 1-1, 1-2, 1-3, 1-4, 1-5 and 1-6 subject to staff recommendations.

JOHNSON moved, **ALDIRCH** seconded the motion, and it carried (11-0).

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- 1-2. **SUB 2007-24: Final Portion of Overall Preliminary Plat -- MONARCH LANDING 2ND ADDITION,**
located north of 21st Street North and on the west of 159th Street East.

NOTE: This final plat consists of the north portion of the overall preliminary plat approved for the site and represents the second phase of development. The street layout and number of lots is consistent with the preliminary plat.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of City water and sanitary sewer (main and lateral) to

serve the lots being platted.

- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City and County Engineering** have approved the drainage plan. An off-site drainage easement is needed.
- D. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.
- E. In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA-NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed.
- F. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- G. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- H. The applicant shall submit a covenant, which provides for four (4) off-street parking spaces per dwelling unit on each lot, which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- I. **GIS** needs to comment on the plat's street names. **Various streets need to be labeled.**
- J. The vacation language shall be deleted from the certificate of survey.
- K. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- L. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- M. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- N. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- O. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- P. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for

the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

- Q. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- T. Westar Energy has requested additional easements.
- U. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve items 1-1, 1-2, 1-3, 1-4, 1-5 and 1-6 subject to staff recommendations.

JOHNSON moved, **ALDIRCH** seconded the motion, and it carried (11-0).

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- 1-3. SUB 2007-19: One-Step Final Plat -- FOX RIDGE 2nd ADDITION**, located east of Maize Road and on the north side of 29th Street North.

NOTE: This is a replat of a portion of the Fox Ridge Addition that has eliminated a street and increased the size of a Reserve.

STAFF COMMENTS:

- A. Petitions have been provided with the Fox Ridge Addition for sewer, water, drainage and paving improvements. New petitions are needed for proposed improvements. A respread agreement is needed for existing improvements.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. City Engineering has approved the applicant's drainage concept. The elevation datum for the preliminary plat needs to be corrected.
- D. The final plat tracing shall state in the plat's text the ownership of Reserve A.
- E. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- F. Since this is a replat of a previous Addition involved with the ownership and maintenance of reserves for that Addition, but not being replatted by this Addition, the above covenants and/or other legal documents shall be provided which provides for this Addition to continue to share in the ownership and maintenance responsibilities of any such previously platted reserves.

- G. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.
- H. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- I. The applicant shall submit a covenant that provides four (4) off-street parking spaces per dwelling unit on each lot, which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- J. The applicant needs to show the setback for the Aquila easement.
- K. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- L. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- M. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- N. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- O. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- P. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Q. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- R. Perimeter closure computations shall be submitted with the final plat tracing.
- S. Westar Energy has requested additional easements.
- T. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve items 1-1, 1-2, 1-3, 1-4, 1-5 and 1-6 subject to staff recommendations.

JOHNSON moved, **ALDIRCH** seconded the motion, and it carried (11-0).

1-4. SUB 2007-20: One-Step Final Plat -- GRAY'S 6TH ADDITION, located on the south side of MacArthur Road and on the west side of Hoover Road.

NOTE: This is a replat of Lot 1, Block A of the Wheatland Commercial Addition.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of City water and sanitary sewer to serve the lots being platted. In lieu of assessment fees for sewer main should be included with the sewer petition since the site was not included in the sewer improvement district. Additional sewer easements are needed.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. City Engineering has approved the drainage plan. The elevation datum needs to be corrected. The applicant shall submit a petition to participate in future stormwater improvements.
- D. The reference to a "48' x 168' joint access easement by separate instrument" should be deleted.
- E. The applicant should acquire additional right-of-way on north portion of Gilda to widen from 48 to 58 feet.
- F. The plat proposes one street opening along both MacArthur Road and Hoover. Traffic Engineering has approved the access controls.
- G. Due to the site being zoned LC, Limited Commercial, a restrictive covenant shall be submitted specifying that the lots within this plat served by Gilda/Wickham shall be limited to residential uses.
- H. The Applicant shall guarantee the paving of the proposed streets. The segment of Gilda north of Lot 8 needs to be constructed to the commercial street standard. The applicant shall meet with City Engineering to determine the right-of-way width.
- I. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- J. For those reserves being platted for drainage purposes, the required covenant that provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- K. The applicant shall submit a covenant, which provides for four (4) off-street parking spaces per dwelling unit on each lot, which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- L. GIS needs to comment on the plat's street names. The street names are approved.
- M. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.

- N. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- O. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- P. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- Q. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- R. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- S. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Westar Energy has requested additional easements.
- V. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve items 1-1, 1-2, 1-3, 1-4, 1-5 and 1-6 subject to staff recommendations.

JOHNSON moved, **ALDIRCH** seconded the motion, and it carried (11-0).

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- 1-5. **SUB 2007-21: One-Step Final Plat -- WESTWAY 2ND ADDITION**, located south of Pawnee and on the west side of Seneca.

NOTE: This is a replat of a portion of the Westway Addition. The site is subject to the Westway Shopping Center Community Unit Plan (DP-21).

STAFF COMMENTS:

- A. Municipal services are available to serve the site.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

- C. City Engineering has approved the applicant's drainage plan. A cross-lot drainage agreement is needed.
- D. The plat proposes three openings along Pawnee and four openings along Seneca. Traffic Engineering has approved the access controls.
- E. Traffic Engineering has requested 10-foot additional street right-of-way along Pawnee.
- F. The Applicant needs to request a CUP adjustment, as the CUP parcel boundaries do not correspond with the area being platted.
- G. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- H. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- I. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- J. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- P. Perimeter closure computations shall be submitted with the final plat tracing.

- Q. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve items 1-1, 1-2, 1-3, 1-4, 1-5 and 1-6 subject to staff recommendations.

JOHNSON moved, **ALDIRCH** seconded the motion, and it carried (11-0).

- 1-6. **SUB 2007-23: One-Step Final Plat -- I-135 POWER CENTER 2ND ADDITION**, located on the southeast corner of 31st Street South and Hydraulic Avenue.

NOTE: This is a replat of the I-135 Power Center Addition. The site has been approved for a zone change (ZON 2006-14) from LI, Limited Industrial to GI, General Industrial. A Protective Overlay (P-O #171) was also approved for this site addressing uses, landscaping, and screening.

STAFF COMMENTS:

- A. City water is available on Hydraulic. Applicant shall guarantee the extension of sanitary sewer to serve the lots being platted and denote the easements needed for the extension. In lieu of assessment fees for sewer main should be included with the sewer petition.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. City Engineering has approved the applicant's drainage plan. The drainage easement in the north portion of Lot 1 needs to be replaced with a Reserve. Additional drainage easements are needed.
- D. The plat proposes three openings along Hydraulic. The applicant will be relocating the south opening to be in alignment with Catalina Ave. Traffic Engineering has approved the access controls. Complete access control needs to be platted along I-135.
- E. A Protective Overlay Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved Protective Overlay and its special conditions for development on this property.
- F. The access easement shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- G. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- H. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- I. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- J. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- K. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of

the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.

- L. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- M. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- N. Perimeter closure computations shall be submitted with the final plat tracing.
- O. Westar Energy has requested additional easements.
- P. A compact disc (CD), which will be used by the City and County GIS Departments, detailing the final plat in digital format in AutoCAD. If a disc is not provided, please send via e-mail to Cheryl Holloway (E-Mail address: cholloway@wichita.gov). Please include the name of the plat on the disc.

MOTION: To approve items 1-1, 1-2, 1-3, 1-4, 1-5 and 1-6 subject to staff recommendations.

JOHNSON moved, **ALDIRCH** seconded the motion, and it carried (11-0).

BISHOP in at 1:35 p.m.

❖ **PUBLIC HEARINGS – VACATION ITEMS**
ADVERTISED TO BE HEARD NO EARLIER THAN 1:30 P.M.

2-1. VAC 2007-04: Request to vacate a platted subdivision.

<u>OWNER/APPLICANT:</u>	Raytheon Aircraft Company, c/o Pam Bailey
<u>AGENT:</u>	Baughman Company, PA, c/o Russ Ewy
<u>LEGAL DESCRIPTION:</u>	All of the Barth Addition, except all of the Greenwich Road right-of-way (ROW), as recorded on the plat and as dedicated by separate instrument, Wichita, Sedgwick County, Kansas
<u>LOCATION:</u>	Generally located approximately ¼-mile south of Central Avenue on the west side of Greenwich Road. (Sedgwick County, 3-mile ring, BoCC #1& WCC #2)
<u>REASON FOR REQUEST:</u>	Never developed
<u>CURRENT ZONING:</u>	Subject property and abutting north, west and south properties are zoned "LI" Limited Industrial. Adjacent properties located east of the

site, across Greenwich Road, are "LC" Limited Commercial and "SF-5" Single-family Residential.

The applicant is requesting consideration for the vacation of the nine (9) lots, easements, setbacks, and street ROW (except for the dedicated 40-foot wide Greenwich Road ROW and ROW dedicated by separate instrument) that is the Barth Addition. The Barth Addition was platted for residential development, but was never developed for that use. The site is currently part of the grounds/facilities of the Raytheon/Beechcraft aircraft company, with a portion of it used as paved parking. There is a private sewer line and manholes running diagonally, northwest to southeast, through approximately half of the plat. There are no franchised utilities, public manholes, sewer or water lines located in the plat. The Barth Addition was recorded with the Register of Deeds August 2, 1951. The site is located in Sedgwick County, and surrounded by the City of Wichita, thus the 3-mile ring process will apply.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from County/City Public Works and other utility representatives, Planning Staff recommends approval to vacate the plat as described in the legal description with conditions.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Derby Reporter of notice of this vacation proceeding one time March 15, 2007 which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by the vacation of the above-described plat and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

B. Therefore, the vacation of the plat described in the petition should be approved with conditions:

1. Provide all dedications by separate instruments of all right-of-way to Greenwich Road that abut the plat, to be used in the legal description; provide Film & Page numbers of the dedication as recorded with the Register of Deeds.
2. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants.
3. All improvements shall be according to City Standards and at the owner's expense. If needed provide the City with a guarantee/petition for these improvements. These must be provided to Staff prior to the case going to WCC for final action.
4. Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide all dedications by separate instruments of all right-of-way to Greenwich Road that abut the plat, to be used in the legal description; provide Film & Page numbers of the dedication as recorded with the Register of Deeds.

- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants.
- (3) All improvements shall be according to City Standards and at the owner's expense. If needed provide the City with a guarantee/petition for these improvements. These must be provided to Staff prior to the case going to WCC for final action.
- (4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

MOTION: To approve items 2-1, 2-2 and 2-3 subject to staff recommendations.

JOHNSON moved, **HENTZEN** seconded the motion, and it carried (12-0).

2-2. VAC 2007-05: Request to vacate a platted alley

<u>APPLICANTS/AGENT:</u>	Jerry Sims PEC, c/o Rob Hartman
<u>LEGAL DESCRIPTION:</u>	The platted 20-foot wide alley ROW located between Lots 1 – 36, Block 1, the Orme and Phillips Addition, Wichita, Sedgwick County, Kansas.
<u>LOCATION:</u>	Generally located between Kellogg Street – Topeka Avenue – Orme Street – Broadway Avenue (WCC #1).
<u>REASON FOR REQUEST:</u>	Install speed bumps and slow down traffic going by existing business.
<u>CURRENT ZONING:</u>	The site is a platted, developed alley, all abutting properties are zoned "LI" Limited Industrial or are public street ROW.

The applicant is requesting vacation of the full length of the platted alley as described. The applicant plans to install speed bump to slow traffic down that runs through the alley and past his business. There are utilities (Westar & SW Bell), manholes and sewer line in this portion of the alley; the alley will be retained as an easement. The Orme and Phillips Addition was recorded with the Register of Deeds April 24, 1876.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the platted alley ROW, as described with conditions.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
- 1) That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time March 15, 2007 which was at least 20 days prior to this public hearing.
 - 2) That no private rights will be injured or endangered by the vacation of the above-described platted alley ROW and the public will suffer no loss or inconvenience thereby.

3) In justice to the petitioner, the prayer of the petition ought to be granted.

B. Therefore, the vacation of the platted alley ROW described in the petition should be approved with conditions:

1. Retain the alley as an easement. Provide Staff with an accurate legal description on a word document via e-mail.
2. Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants.
3. All improvements shall be according to City Standards. If the drive onto Kellogg Street is to remain open it must be constructed to City Standards and at the owner's expense. If the alley is to be closed, the continuation of the curbing must be to City Standards and at the owner's expense. Provide the City with a guarantee/petition for these improvements. These must be provided to Staff prior to the case going to WCC for final action.
4. Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- 1) Retain the alley as an easement. Provide Staff with an accurate legal description on a word document via e-mail.
- 2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicants.
- 3) All improvements shall be according to City Standards. If the drive onto Kellogg Street is to remain open it must be constructed to City Standards and at the owner's expense. If the alley is to be closed, the continuation of the curbing must be to City Standards and at the owner's expense.
- 4) Provide the City with a guarantee/petition for these improvements. These must be provided to Staff prior to the case going to WCC for final action. Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

MOTION: To approve items 2-1, 2-2 and 2-3 subject to staff recommendations.

JOHNSON moved, **HENTZEN** seconded the motion, and it carried (12-0).

2-3. VAC 2007-06: Request to vacate a portion of platted setback

APPLICANT/OWNER: Victor Schofield

- LEGAL DESCRIPTION:** Generally described as the north 65-feet of the platted 100-foot setback that runs parallel to the Central Avenue, on the Parcel A portion of Lot 4, Block A, the Four-H Addition, Wichita, Sedgwick County, Kansas.
- LOCATION:** Generally located on the north side of Central Avenue and west of Tyler Road (WCC #V)
- REASON FOR REQUEST:** Additional room for redevelopment
- CURRENT ZONING:** Site, abutting eastern, western and northern properties are zoned "GC" General Commercial, with CUP DP-209 overlay. Adjacent southern properties, across Central Avenue, are zoned "LC" Limited Commercial.

The applicant proposes to vacate the north 65-feet of the described platted 100-foot setback. There is an overlay, CUP DP-209, on the described site. The Unified Zoning Code's (UZO's) minimum street side setback for a CUP is 35-feet. The base zoning of the CUP is "GC." The UZO requires a minimum of a 20-foot front yard setback. The request meets the minimum setback standard for a CUP. There are no platted easements, franchised utilities, manholes, water or sewer lines located in the described portion of the platted setback. The Four-H Addition was recorded with the Register of Deeds April 1, 1993.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval of the vacation of the described portion of the platted setback with conditions.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time March 15, 2007 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described portion of the platted setback and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.
- B. Therefore, the vacation of the portion of the platted setback, described in the petition should be approved with conditions:
- 1) Provide Planning with a legal description of the approved vacated portion of the setback on a Word document via e-mail.
 - 2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
 - 3) All improvements shall be according to City standards and at the applicant's expense.
 - 4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- 1) Provide Planning with a legal description of the approved vacated portion of the setback on a Word document via e-mail.
- 2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
- 3) All improvements shall be according to City standards and at the applicant's expense.
- 4) Per MAPC Policy Statement #7, all conditions to be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds

MOTION: To approve items 2-1, 2-2 and 2-3 subject to staff recommendations.

JOHNSON moved, **HENTZEN** seconded the motion, and it carried (12-0).

❖ **PUBLIC HEARINGS**

3. **Case No.: ZON2007-06-** Esther M. Miller (owner), B.E.S. Properties, Attention: Mike Stone (Applicant), Ruggles & Bohm, P.A., Attention: Tom Ruggles (Agent) Request Zone change from "TF-3" Two-Family Residential to "LI" Limited Industrial on property described as;

Lots 427, 429, 431 and 433 on Richmond; and Lots 435, 437, 439, 441, 443 and 445 on Richmond, except the west 60 feet and except the south 20 feet thereof; in Martinson's Addition, Wichita, Sedgwick County, Kansas. Generally located North of McCormick, west of Richmond, south of Kellogg and West of Meridian.

BACKGROUND: The applicant requests LI zoning on a .58-acre site, currently zoned TF-3 Two-family. The proposed use is for additional truck terminal parking on a corner site, north of McCormick Avenue, and between Meridian Avenue and Southwest Boulevard. The western 75 feet of the three southern lots of the application area are already zoned LI; the proposed additional truck parking would locate in the existing LI zoned lots with site access to McCormick Avenue. North of the application area are TF-3 zoned single-family residences. South of the application area, across McCormick, are TF-3 zoned single-family residences. East of the application area, across Richmond, are TF-3 zoned single-family residences and west of the application area is a LI zoned terminal-warehouse use.

CASE HISTORY: The application area is platted as lots 427, 429, 431, 433, 435, 437, 439, 441, 443 and 445 of Martinson's 5th Addition in 1986.

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3" Two-Family Residential	Single-Family Residences
SOUTH:	"TF-3" Two-Family Residential	Single-Family Residences
EAST:	"TF-3" Two-Family Residential	Single-Family Residences
WEST:	"LI" Limited Industrial	Beaver Express Service L.L.C.

PUBLIC SERVICES: Current traffic counts on this segment of McCormick are approximately 4,000 vehicles per day. McCormick is a four-lane, arterial street at this location with a 60-foot right-of-way (ROW). Richmond is a two-lane local street at this location with a 60-foot ROW; the 2030 Transportation Plan indicates that it will remain a two-lane local street. All other normal public services are available at the site.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended 5/05" of the 1999 *Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the application area as appropriate for "industrial", which does not reflect the current zoning.

The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial sites be located in close proximity to support services and be provided good access to major arterials, city truck routes, belt highways, utility truck lines, rail spurs, airports and as extensions of existing industrial areas. Industrial traffic should not feed directly into local streets in residential areas. Industrial uses should be generally located away from existing or planned residential areas, and sited so as not to generate industrial traffic through less intensive land use areas.

The Unified Zoning Code (UZO) would require compatibility setbacks between non-residential and residential development, as well as a screening requirement from residential zoning and uses. Conformance with the Landscape Ordinance at this site will be required in order to develop on the site.

RECOMMENDATION: Beaver Express Service L.L.C. proposes developing this site as a truck terminal parking lot. The proposed LI zoning would allow a range of industrial uses not permitted under the current TF-3 zoning. The proposed zone change is in conformance with the Land Use Guide and with the recommended Industrial Locational guidelines of the Plan, as it has access to major arterials, belt highways, rail spurs and extensions of existing industrial uses. Also, the traffic generated by the existing use will not feed onto local streets within the adjacent residential area, will be properly screened and buffered from the existing residential uses and will not generate additional traffic through the less intensive residential area adjacent to the subject site. Potential negative effects from industrial uses at the site on the residential neighbors to the north, east and south would be mitigated by existing codes. Existing codes would require compatibility setbacks, screening, landscaping, limit noise, and prohibit certain uses within 200 feet of residences.

LI uses at the application area could increase traffic on this section of McCormick, but there will be no additional traffic on Richmond, which serves the adjacent residential properties. Access to the site is from either the west side of the property, near Southwest Boulevard or from the alley between Richmond Street and Southwest Boulevard.

Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED, subject to the following conditions:

1. In addition to any other code requirement, screening consistent with zone screen standards shall be installed along the east property line fronting Richmond Street.
2. No access to Richard shall be allowed.
3. Landscaping and screening shall be installed prior to the lot being put to use.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: This proposed zoning and land use is out of character with nearby TF-3 zoning and uses fronting the east side of Richmond Street, but there are industrial uses running along the railroad, which runs along the west side of the property. According to the 2030 Land Use Guide, this area is shown as a future industrial area. The proposed development would be buffered and screened from abutting residential properties along Richmond.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed with single or two-family residential units as currently zoned. However, the proposed truck terminal parking requires the application area in order to have enough space for employee, customer and overflow parking.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Rezoning and industrial development could have negative effects on the single-family residences north, east and south of the application area. Existing codes would require compatibility setbacks, screening, landscaping, limit noise, and prohibit certain uses within 200 feet of residences.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "Wichita Land Use Guide, as amended 5/05" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the application area as appropriate for "industrial", which does not reflect the current zoning. The Industrial Locational Guidelines of the Comprehensive

Plan recommend that industrial sites be located in close proximity to support services and be provided good access to major arterials, city truck routes, belt highways, utility truck lines, rail spurs, airports and as extensions of existing industrial areas. Industrial traffic should not feed directly into local streets in residential areas. Industrial uses should be generally located away from existing or planned residential areas, and sited so as not to generate industrial traffic through less intensive land use areas.

5. Impact of the proposed development on community facilities: LI uses at the application area could increase traffic on this section of McCormick, but there will be no additional traffic on Richmond, which serves the adjacent residential properties. Access to the site is from either the west side of the property, near Southwest Boulevard or from the alley between Richmond Street and Southwest Boulevard.

DERRICK SLOCUM Planning staff presented the staff report.

Responding to a question from **BISHOP**, **SLOCUM** reported that DAB IV unanimously approved the zoning request.

MOTION: To approve items 3 and 4, subject to staff recommendations.

JOHNSON moved, **GISICK** seconded the motion, and it carried (12-0).

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4. **Case No.: ZON2007-07/CON2007-09** – Key South LLC c/o Jim Ashcraft (Applicant), Baughman Company, P.A., c/o Terry Smythe (Agent) Request Zone change from “SF-5” Single-Family Residential to “GO” General office and conditional use request for a bank in “GO” General Office zoning on property described as;

Lots 9, 10 and the North 20 feet of Lot 11, Wichita, Sedgwick County, Kansas. Generally located East of Maize Road and north of Kellogg (1424 South Maize Road).

BACKGROUND: The applicant requests a zone change from “SF-5” Single-family Residential to “GO” General Office with a Conditional Use for a bank or financial institution on .66 acres. The site is located east of Maize Road and north of Kellogg. The platted site was originally developed with two single-family residential units. The applicant intends to develop a bank on the site.

The site has SF-5 zoned single-family residences to the north and west across Maize. East of the site is vacant SF-5 zoned property containing the Cowskin Creek Floodway. South of the site is vacant LC zoned property. Further south, at the Maize/Kellogg intersection, is an LC zoned convenience store and car wash.

CASE HISTORY: The subject property was platted as Lots 9, 10, and the north 60 feet of lot 11 of the Vera Vista Addition in 1955.

ADJACENT ZONING AND LAND USE:

NORTH:	“SF-5”	Single-family residential
SOUTH:	“LC”	Vacant, convenience store with car wash
EAST:	“SF-5”	Vacant, floodway
WEST:	“SF-5”	Single-family residential

PUBLIC SERVICES: The subject property has frontage along Maize Road, a four-lane paved arterial with a 55-foot half-street right-of-way (ROW) at this location. Maize at the site has a painted median, further south Maize is widened with one center turn lane, right turn lanes, and a raised median. The Quick Trip 8th Addition, immediately south of this site, has two right-in right-out openings (across from the raised median) and is authorized one more opening for the undeveloped portion, which must align with Ringer Street to the west.

Current traffic volumes on this portion of Maize are 11,477 vehicles per day. The 2030 Transportation Plan shows this portion of Maize remaining a four lane arterial. The site has municipal water and sewer.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan identifies the site as appropriate for "Urban Residential" use, immediately north of an area designated for "Regional Commercial" use. The Office Locational Guidelines of the Comprehensive Plan recommend that office sites be located adjacent to arterial streets. The guidelines also indicate that low-density offices can serve as a transitional land use between residential uses and higher intensity uses.

The Unified Zoning Code (UZY) would require screening between single-family residential development and proposed development on this site, and would require setbacks from all property lines. The Landscape Ordinance would require a landscape plan for the proposed development.

The Wichita Access Management Policy would require that Maize have a 60-foot half-width ROW (five feet more than what presently exists). The policy would also require 200 feet between right-in right-out openings, and 400 feet between full movement openings.

RECOMMENDATION: This request does not conform to the Comprehensive Plan Land Use Guide; it does meet the Plan Office Locational Guidelines, and would serve as a zoning transition between commercial zoning to the south and residential to the north. The standards of the UZY and Landscape ordinance should mitigate any negative affects on the residences north of this site.

ROW width and access control are concerns with increased intensity on this site, along a heavily traveled arterial street with nearby expressway access. Drainage is also a potential concern for this platted site. Because the proposed development could be more impervious than development under SF-5 zoning, staff feels that a drainage plan should be reviewed. One residential property owner north of the site contacted staff with drainage concerns. ROW dedication, access control, and drainage issues could be resolved through the platting process. Staff would note that the commercial property immediately south of this site replatted as a condition of re-zoning.

Based upon the information available prior to the public hearings, planning staff recommends that the request for a change in zoning and a Conditional Use be APPROVED, subject to replatting the property within one year, and subject to the following Conditional Use conditions:

1. The site shall conform to the approved site plan. The applicant shall adjust the site plan to conform to platting requirements, to be approved by Planning Staff.
2. The site shall conform to the Landscape Ordinance. Planning Staff shall approve a landscape plan submitted by a Kansas Landscape Architect.
3. Buildings on the site shall not use metal siding as an exterior material on any elevation.
4. The site shall be developed in conformance with all codes, policies, and regulations, including but not limited to zoning, building, health, and access management codes, policies, and regulations.
5. Parking lot light poles on the site shall not exceed 15 feet in height, and shall shield away from residential zoning.
6. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by commercial zoning and uses south of the site, near the Maize/Kellogg intersection, and

residential zoning and uses north and west of the site. Property east of the site is zoned SF-5, but will most likely remain undeveloped floodway.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-5" Single-family Residential and could continue to be used for single-family residences. The site may not be desirable for residences due to arterial street frontage near an expressway.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Permitted land uses under the requested GO zoning will be more intense than those permitted under the current residential zoning. However, the standards of the Unified Zoning Code and the Landscape Ordinance should limit noise, lighting, and other activity from adversely impacting the nearby single-family residential areas. If the site is developed in conformance with current drainage and traffic access policies, the proposed development should have little to no affect on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Urban Residential" development. The Office Locational Guidelines of the Comprehensive Plan recommend that office sites should be located adjacent to arterial streets. These guidelines also indicate that low-density office uses can serve as a transitional land use between residential and higher intensity uses.
5. Impact of the proposed development on community facilities: Provided that drainage and traffic access policies are met, community facilities should not be impacted by the proposed development.

JESS MCNEELY, Planning staff presented the staff report.

MCNEELY referred to the hand out which was a memo from the DAB V Neighborhood Assistant and stated that DAB V recommended approval of the request, subject to staff recommendations.

MOTION: To approve items 3 and 4, subject to staff recommendations.

JOHNSON moved, **GISICK** seconded the motion, and it carried (12-0).

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5. **Case No.: ZON2007-08** – Raytheon Aircraft Company c/o Pam Bailey (Owner/Applicant); Baughman Company c/o Russ Ewy (Agent) Request County zone change from "LC" Limited Commercial to "LI" Limited Industrial on property described as;

A tract in the Northeast Quarter of Section 21-27-2E described as beginning 174.5 ft west of the Northeast Corner of Said Northeast Quarter; thence West 144.65 feet; thence South 356 feet thence East 144.65 feet; thence North 356 feet to the point of beginning, except that part taken for road. Generally located South of Central Avenue and west of Greenwich Road.

BACKGROUND: The applicant requests a zone change from LC to LI on a .90-acre unplatted tract located south and west of the intersection of Central Avenue and North Greenwich Road. The applicant owns a large amount of property around this location, including 6.86 acres, which is in a "U-shaped" configuration along the western, eastern and southern boundaries of the subject property, already zoned LI. The subject property is currently undeveloped. The uses for the remainder of the property have not been determined.

The surrounding area is characterized primarily by commercial and industrial uses. The overwhelming majority of the property in the area is zoned LI and LC. The nearest developed properties are the Quick Trip to the east, an auto dealership to the northeast, and a bank branch to the north.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	LC, GC	Bank/Boat Dealership
SOUTH:	LI	Aircraft - Manufacturing
EAST:	LC	Convenience Store
WEST:	LI	Aircraft - Manufacturing

PUBLIC SERVICES: The subject property has frontage along Central Avenue, a four- to five-lane arterial street, and East Greenwich Road, a four- to five-lane arterial street. Current traffic volumes on Central Avenue are approximately 22,000 vehicles per day. Current traffic volumes on North Greenwich Road East are approximately 22,800 vehicles per day. Public water and sewer service can be extended with the possible future development of the land.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Industrial" development. In fact, this area has been identified as appropriate for industrial uses in City-County land use guides for over 40 years. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting the property within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized primarily by commercial and industrial uses. The overwhelming majority of the property in the area is zoned LI. The proposed LI zoning is compatible with the zoning, uses, and character of the surrounding area.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned LC, and could be developed with commercial uses. Given the long-standing guidance provided by land use guides that this area should be developed with industrial uses, the subject property is not suitable for restriction to commercial uses.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: All nearby properties are zoned for industrial and/or commercial uses. No detrimental impacts from industrial use of the subject property are anticipated.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Industrial" development. In fact, this area has been identified as appropriate for industrial uses in City-County land use guides for over 40 years. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports. The subject property is well situated to utilize such support services.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

MOTION: Approve items 5, 6, 7, 8, and 9 subject to staff recommendations.

ALDRICH moved, **HENZTEN** seconded the motion, and it carried (12-0).

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6. **Case No.ZON2007-09** – Raytheon Aircraft Company c/o Pam Bailey (Owner/Applicant);
Baughman Company c/o Russ Ewy (Agent) Request County zone change from "SF-20" Single-Family Residential to "LI" Limited Industrial on property described as;

A tract in the Northeast Quarter of Section 16-27-2E described as the West half of the East half of the Northwest Quarter of said Northeast Quarter, EXCEPT that part taken for road. Generally located West of Greenwich Road and South of 13th Street North.

BACKGROUND: The applicant requests a zone change from SF-20 to LI on a 9.7-acre unplatted tract located approximately ¼ mile west of the intersection of east 13th Street North and North Greenwich Road, south of 13th Street. The applicant owns a large amount of property around this location, including a 50.72-acre tract bordering the subject property on the east and south, already zoned LI. The subject property is currently undeveloped. The uses for the property have not been determined.

The land to the north, across 13th Street is undeveloped and zoned LI. To the south and east is additional Raytheon Aircraft land zoned LI. Raytheon's runway is located approximately 400 feet southeast of the southeast corner of the application area. To the northwest, approximately 1,000 feet, is the Waterfront office and retail center also zoned LI. To the west of the application area are two undeveloped SF-20 zoned tracts not owned by Raytheon. Further west is Raytheon's employee recreation area also zoned LI. The overwhelming majority of the properties abutting or adjacent to the site, including the Waterfront project and Raytheon's other holdings, in the area are zoned LI.

The application area is located within Area A of the Wichita-Sedgwick County Airport Hazard Zoning Map, which requires a permit exemption for structures that exceed 25 feet in height. The applicant is seeking unrestricted LI zoning, but for comparison purposes it is appropriate to point out, given this tract's location to the runway, that if this tract were subject to the McConnell Air Force Base Airport Overlay District, the range of potential uses would be restricted to uses that minimize the concentration of people to no more than 25 people per acre. In 2000, Raytheon opposed a request (ZON2000-22, CUP2000-21 DP-254) for 35 acres of LC zoning located 400 feet further away from Raytheon's runway than this request. Raytheon's objection was based upon the fact that "Raytheon Aircraft's runway is used primarily for flight testing operations, where safety is of utmost importance." The letter further states that expanding the extent of commercial use presents an unacceptable risk to potential inhabitants and also to the company and its air traffic. While this request would not allow new residences, it will permit an increase in the square footage of nonresidential uses and the concentrations of people.

Since 2000 it appears that circumstances have changed with Raytheon as it appears that Raytheon has sold all of their holdings north of 13th Street, and those tracts have developed or are being platted without objection for non aircraft related activity. In 2006, the MAPC declined to include as conditions of approval use limitations that would restrict the concentrations of people on CUP2006-22 DP-298 located at the northwest corner of Greenwich and 13th Street, and 1,600 feet off the end of Raytheon's runway.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Vacant
SOUTH:	LI	Aircraft - Manufacturing
EAST:	LI	Aircraft - Manufacturing
WEST:	SF-20	Vacant

PUBLIC SERVICES: The subject property has frontage along East 13th Avenue North, a four- to five-lane arterial street, having approximately 100 feet of right-of-way. Current traffic volumes on East 13th Avenue North are approximately 17,000 vehicles per day. Public water and sewer service can be extended with the possible future development of the land. If the 9.7 acres were to be developed with one-story retail uses at 30 percent building coverage national average daily trip generation data indicates this site could generate up to 5,323 new vehicle trips. If a one story light industrial use at 30 percent coverage were located here 887 new trips could be expected. Sewer and water is not adjacent to the site and will need to be extended.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Industrial" development. In fact, this area has been identified as appropriate for industrial uses in City-County land use guides for over 40 years. The Industrial Locational Guidelines of

the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports.

RECOMMENDATION: Given this sites proximity to the end of the Raytheon's runway, staff would prefer to have had a protective overlay addressing it proximity to the runway, but given the fact that the application area is small compared to the applicant's total holdings, none of which have development restrictions other than those contained in their base LI zoning. Therefore, based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting the property within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized primarily by industrial uses. The overwhelming majority of the property in the area is zoned LI. The proposed LI zoning is compatible with the zoning, uses, and character of the surrounding area.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned SF-20, which essentially permits one-half acre residential development. Given the property's proximity to the runway, residential uses would not be a suitable use. Also, given the long-standing recommendations provided by multiple land use guides that this area should be developed with industrial uses, the subject property is not appropriately zoned.
5. Extent to which removal of the restrictions will detrimentally affect nearby property: Except for the two SF-20 zoned tracts located west of the application area, all nearby properties are zoned for industrial uses. These two tracts should not experience any additional detrimental impacts.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Industrial" development. In fact, this area has been identified as appropriate for industrial uses in City-County land use guides for over 40 years. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports. The subject property is well situated to utilize such support services.
5. Impact of the proposed development on community facilities: Extension of sewer and water services will be required. Depending on how the tract develops the nearly 10-acre site will generate additional traffic that may need to be accounted for at the time of platting.

MOTION: Approve items 5, 6, 7, 8, and 9 subject to staff recommendations.

ALDRICH moved, **HENZTEN** seconded the motion, and it carried (12-0).

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7. **Case No.: ZON2007-10** – Raytheon Aircraft Company c/o Pam Bailey (Owner/ Applicant);
Baughman Company c/o Russ Ewy (Agent) Request County zone change from "SF-20" Single-Family Residential to "LI" Limited Industrial on property described as;

A tract in the Northeast ¼ of Section 16-27-2E described as follows: Beginning 50 feet west of the Southeast corner of said Northeast ¼; thence West 616 feet; thence North 2,346.46 feet to a point 310 feet South of the North line of said Northeast ¼; thence East 334.8 feet to a point 310 feet West of the East line of said Northeast ¼; thence South 1,834.8 feet; thence East 260 feet; thence South 512.5 feet to beginning; TOGETHER WITH

Tracts in the Southeast ¼ of Section 16-27-2E described as follows: The North 1/2 of said Southeast 1/4, except the West 950 feet thereof; TOGETHER WITH

A tract in the Southeast $\frac{1}{4}$ of Section 16-27-2E described as follows: That part of the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Southeast $\frac{1}{4}$ lying north and east of Central Avenue; TOGETHER WITH

A tract in the Southeast $\frac{1}{4}$ of Section 16-27-2E described as follows: Beginning 485 feet West and 60 feet North of the Southeast corner of said Southeast $\frac{1}{4}$; thence North 600 feet; thence West 175 feet; thence South 545 feet to a point on the north right-of-way line of Central Avenue; thence Southeasterly along said north right-of-way line to the point of beginning. Generally located West of Greenwich Road and north of Central Avenue.

BACKGROUND: The applicant requests a zone change from SF-20 and LC to LI on a 92.9-acre unplatted tract located west of north Greenwich Road between East 13th Avenue North and Central Avenue. The applicant owns a large amount of property around this location, including properties bordering the subject property on the west and south, already zoned LI. The subject property is currently undeveloped, except the western-most portion of the application area contains a $\frac{1}{4}$ -mile segment of Raytheon's runway. Uses for the vacant portions of the property have not been determined.

Developed properties near the subject property are located to the north and east at the intersection of East 13th Avenue North and north Greenwich Road, and the intersection of Central Avenue and North Greenwich Road. Those uses at the intersections are zoned LC and are developed with: retail sales, a convenience store, an auto dealership and a boat dealership. To the east, across north Greenwich Road, there are residential developments, Balthrop and Pine Meadows, zoned SF-5 developed with single-family residences, and a church. Raytheon's property located to the west of the application area contains their aircraft runway and other vacant land. All of the land west of the site is zoned LI.

In addition to industrial uses, LI zoning also allows retail, commercial and office activity. LI zoning also permits building heights of 80 feet and higher with additional setbacks. Ninety-three acres of LI zoned land developed at 30 percent building coverage would allow 1,215,324 square feet. Traffic generation rates for light industrial uses are approximately 7 average daily trips (ADT) per 1,000 square feet of floor area creating an ADT of 8,507; shopping centers can generate as much as 42 trips per 1,000 square feet or up to an additional 51,043 ADT.

The application area is also located within Area A of the Wichita-Sedgwick County Airport Hazard Zoning Map, which requires a permit exemption for structures that exceed 25 feet in height. The applicant is seeking unrestricted LI zoning, but for comparison purposes it is appropriate to point out that if this tract were subject to the McConnell Air Force Base Airport Overlay District, the range of potential uses permitted would be restricted to uses that minimize the concentration of people to no more than 25 people per acre. In 2000, Raytheon opposed a request (ZON2000-22, CUP2000-21) for 35 acres of LC zoning located 860 feet away from the end of Raytheon's runway than this request. Raytheon's objection was based upon the fact that "Raytheon's Aircraft's runway is used primarily for flight testing operations, where safety is of utmost importance." The letter further states that expanding the extent of commercial use presents an unacceptable risk to potential inhabitants and also to the company and its air traffic. While the request will not allow new residences, it will permit an increase in the square footage of nonresidential uses and the concentrations of people.

Since 2000 it appears circumstances have changed as it appears that Raytheon has sold all of their holdings north of 13th Street, and those tract have developed or are being platted without objection for non aircraft related uses. In 2006, the MAPC declined to include conditions of approval use limitations that would restrict the concentrations of people on CUP2006-22 DP-298 located at the northwest corner of Greenwich and 13th Street, and 1,600 feet off the end of Raytheon's runway.

In this instance nearly all of the application area is located to the east side of the runway, except for the tract that contains the runway. The application area is located approximately 550 feet east of the end of the runway.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Retail Store, bank
SOUTH:	LI & LC	Aircraft – Manufacturing & Convenience Store

EAST: SF-5 Residential
WEST: LI Aircraft-Manufacturing

PUBLIC SERVICES: The subject property has frontage along Central Avenue, a four- to five-lane arterial street, and Greenwich Road, a two to three-lane arterial street that widens to four to five lanes at the intersection. The site has nearly 2,500 feet of frontage along Greenwich. Current traffic volumes on Central Avenue are approximately 12,800 vehicles per day. Current traffic volumes on North Greenwich Road East are approximately 20,000 vehicles per day. Greenwich has approximately 114 feet of right-of-way. Public water and sewer service can be extended with the possible future development of the land.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Industrial" development. In fact, this area has been identified as appropriate for industrial uses in City-County land use guides for over 40 years. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting the property within one year and the following Protective Overlay:

1. Uses - Residential uses are prohibited. For those portions of the site developed with industrial uses permitted only in the LI Limited Industrial district, the development standards shall be those contained in the LI zoning district. For those portions of the site developed with non industrial uses permitted in the NO Neighborhood Office district through the IP Industrial Park district the following development standards shall apply:

Front setback - 35 feet
Rear setback -20 feet
Interior side setback – 0 feet
Street side setback – 10 feet
Maximum building height – 35 feet
Maximum building coverage – 30%
Maximum gross floor area – 35%

Prohibited uses include: group homes, correctional placement residences, sexually oriented businesses, night club, outdoor kennel, concrete or asphalt plant, vehicle storage yard and rock crushing.

2. All signage shall be monument type, shall not exceed 20 feet in height, shall not exceed 80 percent of the frontage and shall be spaced 150 feet apart.
3. Parking shall be in accordance with the Unified Zoning Code.
4. Non-industrial uses shall share predominate exterior building materials with consistent architectural character, color and texture. Architectural controls do not apply to industrial uses.
5. Cross lot circulation is to be provided between all abutting non-industrial uses.
6. Screening of loading areas, outside storage and mechanical equipment, trash receptacles and loading docks shall be screened by code.
7. The transfer of the title on all or any portion of the land included in the development does not constitute a termination of the development standards or any portion thereof; but said development standards shall run with the land and be binding upon the present owners, their successors and assigns and their lessees unless amended.
8. Access controls, drainage and other public improvements needed as a result of development on this site shall be determined at the time of platting.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized primarily by industrial uses, with some commercial uses to the southeast and northeast and single family residences to the east. The overwhelming majority of the property in the area is zoned LI. The proposed LI zoning is compatible with the zoning, uses, and character of the surrounding area.

2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned SF-20 and LC, and could be developed with residential and commercial uses. Given its proximity to aircraft operations residential uses are not appropriate. Due to the long-standing guidance provided by land use guides that this area should be developed with industrial uses, the subject property is not suitable for restriction to residential and commercial uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: All nearby properties are zoned for industrial and/or residential and commercial uses. No detrimental impacts from industrial use of the subject property are anticipated.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Industrial" development. In fact, this area has been identified as appropriate for industrial uses in City-County land use guides for over 40 years. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports. The subject property is well situated to utilize such support services.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

MOTION: Approve items 5, 6, 7, 8, and 9 subject to staff recommendations.

ALDRICH moved, **HENZTEN** seconded the motion, and it carried (12-0).

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8. **Case No.: CON2007-07** – Eugene Mecke (Owner); Nidal Hussein (Applicant); Request Conditional use to permit vehicle and equipment sales outdoors on property described as;

Lots 2, 4, 6 and 8, on Pattie Ave., Lincoln Street Addition, Sedgwick County, Kansas. Generally located 2,000 feet west of I-135 southeast of the intersection of East Lincoln Street and South Pattie Street (1301 East Lincoln Street).

BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on Lots 2, 4, 6 and 8 of the Lincoln Street Addition, which are zoned LC Limited Commercial. The site is located at the southeast corner of E. Lincoln Street and S. Pattie Street. The subject site is developed with a one-bay door garage/office, used for limited car and light truck repair. The applicant proposes to retain the site's limited vehicle repair shop, which is permitted by right, and sell pre-owned cars and light trucks. Per the Unified Zoning Code (UZC), outdoor vehicle and equipment sales may be permitted with a Conditional Use in the LC zoning district.

Development east of the subject site includes a warehouse/storage facility, a church, duplex; warehouse/office facility and six single-family residences sprinkled in between the commercial development. These developments are zoned LC, "B" Multi-Family and "TF-3" Two-Family. Development west of the subject site includes a church, two vehicle repair stations, a gas station, office, two retail stores, a bar/club and a single-family residence all in LC zones. Abutting the south side of the subject site are a single-family residence, zoned LC and "MF-29" Multi-Family. Development north of the site, across Lincoln Street are: a mixed-use retail/apartment structure, a 4-plex, another retail building and some single-family residences zoned LC and "GO" General Office.

The applicant's site plan shows the existing garage/office, two proposed drives onto S. Pattie Street and the one onto E. Lincoln Street, circulation completely around the site and the parking/display area. If approved, the applicant needs to provide a revised site plan giving more detail including the square footage of the building, proposed lighting, solid screening around trash receptacle(s), solid screening around the outside and landscaping.

CASE HISTORY: The subject property is platted as Lots 2, 4, 6 and 8 of the Lincoln Street Addition, which was recorded with the Register of Deeds June 5, 1986. The existing structure on the site was built in 1927.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"	Mixed Use- Retail and Apartment
SOUTH:	"LC"	Single-Family Residence
EAST:	"LC"	Warehouse/Storage
WEST:	"LC"	Church/Place of Worship

PUBLIC SERVICES: This subject property has access to E. Lincoln Street, a 4-lane arterial street along the north property line and S. Pattie Street, a two-lane, local street along the west property line. The current traffic volumes at the nearest major intersection (Lincoln Street and Washington Avenue) are approximately 16,750 vehicles per day along Lincoln Street and approximately 20,240 vehicles per day along Washington Avenue. Municipal water and sewer services are currently provided to the subject property. The sewer line is located on the east side of subject site, while the water main is located along the west side of the S. Pattie Street R.O.W.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The Commercial Locational Guidelines also recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg Avenue and Broadway Avenue, or other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities.

In the past, the MAPC has identified smaller car sales lots as being more of a local retail establishment in their nature, as opposed to the cluster of larger car sales lots located primarily along Kellogg Avenue and Broadway Avenue, which are more regional in their nature. The MAPC has also recommended that buildings that had in the past been used for automobile activities, such as gas stations, be considered as possible sites for car sales. The subject site's building was constructed in 1927 and was previously used as a gas station prior to its current use for auto repair, limited.

RECOMMENDATION: While the site does not entirely meet the Comprehensive Plan's criteria of locating car lots in areas where they are already clustered, it does match up with the MAPC's criteria of locating smaller car sales lots within sites that had previously been used for auto related businesses. Introduction of a car sales lot into an area can lead to other car sales lots and this is an issue that must be addressed on a site-by-site basis with a Conditional Use application. Usually, but not always, on an application for a Conditional Use for a small site for car sales, the car sales are the only business to operate on the site. In this case the applicant proposes to retain the permitted by right limited vehicle repair business, while operating a car sales lot. Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED. This recommendation is based on the principle that staff would not be supportive of additional car sales lots in the area. Recommended conditions of approval include:

1. In addition to uses permitted in the LC district, the site shall be limited to the sales of cars and light trucks, as long as it continues to operate as a vehicle repair, limited garage. No sale or rental of trailers, motorcycles or scooters, vehicles or trucks larger than pick ups are permitted.
2. Any automotive service or repair work conducted on the site shall be entirely within a building. No body or fender work shall be permitted.
3. The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards, within 6 months of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.
4. The applicant shall install and maintain landscaping in accordance with the landscape plan submitted with the revised site plan, within six months of approval by the MAPC or the City

Council. The landscaping plan will be reviewed and approved by the Planning Director, prior to issuance of any permits.

5. A parking barrier, such as a heavy rail type, shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.
6. No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons.
7. There shall be no use of elevated platforms for the display of vehicles. All vehicles for sale or for repair must be on a concrete, asphalt or an approved all weather surface.
8. No outdoor amplification system shall be permitted.
9. No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. Outside storage of parts, including tires, associated with the car repair, limited, operation shall be within a 6-foot solid screened area.
10. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted. Outside pole lighting shall be no taller than 14-feet and directed onto the site and away from any residential structures.
11. All trash receptacles, oil containers or any similar type of receptacles for new or used petroleum products or trash shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.
12. The entrances shall be reviewed and approved by the Traffic Engineer. The applicant shall guarantee the closure of all but the approved entrances according to City standards.
13. All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council. No selling of cars shall be allowed until all permits have been acquired and all improvements to the site have been made.
14. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
15. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is predominately office, retail, warehousing and some multi and single-family along the Lincoln Street corridor. All lots appear to be occupied, but some of the properties are in deteriorating condition. Office type, neighborhood retail, and warehouse development will remain in the area due to the location of this area, being between Washington Avenue and Hydraulic Street, with close proximity to I-135. There are low-density residential uses located behind the Lincoln Street corridor. This corridor has other vehicle services, including gas stations and vehicle repair shops, zoned LC Limited Commercial and permitted by right.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned LC. The property is suitable for the commercial uses to which it has been restricted, including its current use as vehicle repair, limited.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Vehicle sales on a site this size when developed with the Conditional Use, will have a minimum of negative

effect on the area and at best improve the property, with the application of access control, landscaping, screening and the other conditions on the site.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Commercial Locational Guidelines recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg, and other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. A Conditional Use for a car sales lot on this site does not entirely meet the Commercial Locational criteria, but it does meet the criteria of the MAPC in regards to locating small car sales lots on sites that had previously been used for car related businesses. There is no adopted neighborhood plan that would specifically discourage a car sales lot on this site. The Conditional Use conditions do represent an opportunity for encouraging investment and upgrading the property.
5. Impact on Community Facilities: All public facilities are available. Existing road facilities are adequate.

MOTION: Approve items 5, 6, 7, 8, and 9 subject to staff recommendations.

ALDRICH moved, **HENZTEN** seconded the motion, and it carried (12-0).

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9. **Case No.: CON2007-08** – Donna M. Burdick Request Conditional use to permit an accessory apartment on 10 acres on property described as;

Beginning at the Northeast corner of the Southeast Quarter; thence South 660 feet; thence West 660 feet; thence North 660 feet; thence East 660 feet to beginning, Section 24, Township 29, Range 2 East, Sedgwick County, Kansas. Generally located West of 159th Street East and south of 95th Street South (9901 South 159th Street East.

BACKGROUND: The applicant is requesting a Conditional Use to allow an accessory apartment on a 10-acre tract, located at 9901 South 159th Street East. The applicant will live in the proposed accessory apartment, while her son and his family live in the existing approximately 1,375-square foot single-family residence. This residence was built in 1961, is a single-story frame house, bricked almost half way up all the exterior walls, with lap siding from there up to the gable and roof overhangs. The subject site is zoned "RR" Rural Residential. Because the proposed additional structure will contain a kitchen, bathroom and sleeping quarters, it is classified as a dwelling unit and thus requires a "Conditional Use" approval for an accessory apartment. The site is located in unincorporated Sedgwick County. The applicants have provided an aerial of the site.

The aerial shows the development of the site including the proposed accessory apartment located behind/west of the existing residence, several outbuildings, tree lines, the driveway and other features. The accessory apartment shares the same drive onto 159th Street East as the primary residence. No size is given for the proposed accessory apartment. No dimension control is given.

The subject site is located in rural Sedgwick County, on the Sedgwick – Butler County line. There are agricultural fields (mostly in winter wheat) located on all sides of the subject site, with the nearest neighbor located approximately ¼ -mile northeast of the site in Butler County. All of the land located north, west and south of the site is zoned "RR" Rural Residential. All of the land located east of the site is in Butler County.

The Unified Zoning Code's Conditional Use requirements for accessory apartments are as follows:

- (a) A maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling;
- (b) The appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood;

- (c) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling, including that it shall not be subdivided or sold as a condominium.
- (d) The water and sewer service provided to the accessory structure shall not be provided as separate service from the main dwelling.

CASE HISTORY: The subject site is an unplatted tract.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential	Agricultural fields
SOUTH:	"RR" Rural Residential	Agricultural fields
EAST:	Butler County	Agricultural fields
WEST:	"RR" Rural Residential	Agricultural fields

PUBLIC SERVICES: 159th Street East is an unimproved Rockford Township road. The 2030 Transportation Plan projects no change in its status. The site is in Rural Water District 3 and is served by a well. The site has no access to public sewer and is served by a lagoon. All other necessary utilities are present.

CONFORMANCE TO PLANS/POLICIES: The 2001 Sedgwick County Development Guide Land Use Guide of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* designates this area as "Rural". The Rural category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provisions for future water and sewer services. The policies of the Unified Zoning Code allow one accessory apartment to be associated with a principle dwelling as a "Conditional Use" if the proposed use is compatible with the principle dwelling, is in character with the surrounding residential development, is accessory to the main structure, remains in a single ownership, and obtains water and sewer service from the main dwelling hook-up.

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends that the request be APPROVED subject to the following conditions being completed within a year:

1. The accessory apartment shall be subject to all requirements of Article III, Section III-D.6.a of the Unified Zoning Code; including appearance of the accessory apartment shall be compatible with the primary residence.
2. The site will be generally developed as shown on the aerial, obtaining and conforming to all applicable permits, including but not limited to building, health, and zoning.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The area's character is rural with agricultural fields and scattered farmsteads and houses.
2. The suitability of the subject property for the uses to which it has been restricted: Accessory apartments are allowed as a Conditional Use in "RR" zoning, provided the applicant and the site meet the specified criteria. The application and the site appear to meet these criteria.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental effect should be minimized by the conditions for accessory apartments by the UZC and the conditional use.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Unified Zoning Code makes specific provision for accessory apartments in "RR" zoning. This application appears to comply with all the provisions outlined in the UZC for accessory apartments.
5. Impact of the proposed development on community facilities: The applicants' request should have a minimal impact on community facilities; there is no public water or sewer available at this time.

MOTION: Approve items 5, 6, 7, 8, and 9 subject to staff recommendations.

ALDRICH moved, **HENZTEN** seconded the motion, and it carried (12-0).

MCKAY in at 1:45 p.m.

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10. **Case No.: DER2006-00011** - Request Amendment to the April 19, 2001 Edition of the Wichita-Sedgwick County Unified Zoning Code to modify the "zoning area of influence" (ZAOI) boundaries of certain cities located in Sedgwick County as depicted on a ZAOI map dated January 1, 1985, and amended in 1995. Modifications are proposed to the ZAOI boundaries of the cities of: Sedgwick, Valley Center, Kechi, Park City, Bel Aire, Haysville, Derby, Goddard, Maize and Colwich. Other cities' ZAOI boundaries may also be modified as the review process progresses.

Reason For Change

Due to changes in city limit boundaries and with the adoption of the "2030 Projected Growth Area" boundaries, a number of the communities located in Sedgwick now have boundary conflicts between Zoning Area of Influence (ZAOI) boundaries and city limit boundaries.

Proposed Boundary Changes

Staff's proposal is to change the zoning area of influence boundaries where boundary conflicts occur, and to leave as is where no conflict exists. The boundaries of the "Small City 2030 Urban Growth Area," as depicted on the adopted "Wichita and Small Cities 2030 Urban Growth Areas" map were used to guide the proposed changes. In the cases where city limit lines are beyond projected growth areas, alternate boundaries are proposed.

Staff made a presentation at the February 11, 2006, Sedgwick County Association of Cities (SCAC) regarding the proposed modifications to the ZAOI boundaries. A map was distributed depicting proposed changes. Not all cities had representatives at the SCAC meeting so after the SCAC meeting the draft map and a letter were sent out asking them to review the proposal and provide comments. To date, four cities have responded in writing and one city phoned in comments. The Derby, Kechi, Bentley and Park City comments are attached. Valley Center called, indicating they would like their ZAOI boundary to be the same as the Valley Center School district.

Sedgwick County Experience

Prior to 1985 Sedgwick County did not have countywide zoning regulations. Therefore when countywide zoning was adopted in 1985, many of the cities in Sedgwick County had adopted three mile ring zoning – Mt. Hope, Andale, Colwich, Sedgwick, Maize, Valley Center, Mulvane, Derby, Haysville, Clearwater, Garden Plain, Cheney, Goddard and Wichita. In addition, Grand River Township had adopted township zoning. (See attachment entitled County Zoning and Subdivision Jurisdiction.) Prior to 1985, builders, developers and citizens in Sedgwick County had 15 different sets of zoning regulations dealing with land use in force. Therefore, it was desirable to substitute a single set of uniform zoning regulations that applied countywide in place of the multi-jurisdictional situation then in effect. As noted above, state law allows the County to establish zoning regulations in the county that supercedes a city's extra-territorial zoning jurisdiction. To make countywide zoning attractive to all the cities in the County, the 1985 *Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas* established the "zoning area of influence" concept and procedures.

Section 1.C.1 of the 1985 County Zoning Code stated that in order to provide for consideration by the City Planning Commissions of the second and third class cities in Sedgwick County of certain rezoning requests, Zoning Areas of Influence, as shown on the Zoning Areas of Influence Map dated January 1, 1985 is hereby established. Section 17.C.4 stated that for changes in zoning classification or district boundaries or for conditional use or special permit use requests for property located within the zoning area of influence for any city of the second and third class within Sedgwick County, the planning commission of that city may hold a public hearing and make a recommendation to the Commission. In making its recommendation, the city's planning commission shall consider the factors listed in Section 17.C.5 (the Golden factors). The MAPC shall hold a public hearing for the zone change request or conditional use or special use request and consider the recommendation of the city's planning commission before issuing its recommendation to the County Commission. The County Commission shall not approve the request, except by unanimous vote, when the city's planning commission recommends against the request.

The 1985 County Zoning Code contained a map defining each city's ZAOI boundary (January 1, 1985 map is attached). It can be noted that the area covered by each city's individual ZAOI varied considerably. Maize and Bentley had the smallest areas covering approximately one mile around the city. Several of the other cities, Garden Plain, Goddard and Andale, have approximately three miles around their cities.

Recent Requests to Amend Boundaries

In 1995, some of the second and third class cities - Maize, Sedgwick, Kechi, Mulvane and Clearwater - sought to expand their existing ZAOI boundaries. At that time the County Commission denied all but the City of Maize's request. The City of Maize's original ZAOI was the smallest area, extending only one mile beyond their 1985 city limits. Most other cities boundaries were much greater than that, extending up to three and one-half miles out in some cases. In an effort to accommodate the concerns expressed by some of the cities, informal notice areas were established for Sedgwick, Kechi, Mulvane and Clearwater whereby applications located in the areas proposed for expansion were designated as an "informal notice area." When applications in these areas are received, staff sends notice of the applications to the cities so that they may comment on the application if they so choose. Their comments do not carry any voting requirement for the governing body, but provide a way for the city to be made aware of an application when they might not be otherwise so advised. (Amended 1995 map attached.)

In 1997, Park City, Kechi, Cheney and Bentley made requests for an expanded ZAOI. Apparently those requests were denied.

ANALYSIS

Objections to Expanded ZAOI

The primary concern expressed against expanded zoning areas of influence dealt with the unanimous vote requirement that is triggered when the city of the second or third class recommends denial of the application. That is a very difficult hurdle to overcome. In the last 18 years, staff is aware of only four times the County Commission has overturned a denial recommendation from the city of the second or third class. At the time the earlier requests for an increase in area were made, staff surveyed other jurisdictions attempting to find another code that contained a unanimous vote requirement. Staff did not find any other jurisdiction with the unanimous vote requirement.

Current Situation

Seventeen of the 19 incorporated cities in Sedgwick County have zoning areas of influence. Wichita and Eastborough do not have zoning areas of influence. Due to annexations some of the cities have incorporated land into their city boundaries that is located outside of their existing ZAOI. Bel Air has 240 acres located outside of their zoning area of influence boundary. Park City, Maize and Haysville also have land within their city limits that is located beyond their current ZAOI boundaries. Because of these changes and due to the identification of adopted 2030 Urban Growth Areas, it may be appropriate to modify the current ZAOI boundaries to reflect new city limit lines, projected growth areas and outdated courtesy notices. Four cities – Mulvane, Clearwater, Kechi and Sedgwick – have informal notice areas. Applicants are now required to post signs advising that the property is up for consideration of a zoning or subdivision action. This signage was not required at the time the informal notice areas were created. The signage and informal notice seem redundant.

RECOMMENDATIONS

1. Modify the ZAOI boundaries for Bel Aire, Kechi, Park City, Valley Center, Maize, Derby, Haysville, Colwich and Goddard as identified on the attached map.
2. Eliminate the joint notice area between Park City and Kechi along Hillside, between 53rd and 77th Street, between Valley Center and Park City along Broadway 1 1/2 miles south of 85th Street and between Bel Aire and Kechi.
3. Eliminate all informal notice areas.
4. Other cities: Leave their existing boundaries as is.

The recommended changes are made to address conflicts with existing city limit boundaries and to account for projected growth areas that conflict with existing zoning area of influence boundaries.

DALE MILLER, Planning staff presented the staff report.

SCHLEGEL said the Cities of Derby and Wichita met and jointly planned for the area between 47th and 55th Streets South, and they couldn't have asked for a better outcome.

BISHOP asked staff to explain the impact of the zoning area of influence.

MILLER explained that in the County, cases are sent to small city planning commissions for recommendation prior to coming to the MAPC. He said if the small city's recommendation is denial, it takes a unanimous vote by the County Commission to overturn that decision. He said he has been with the City of Wichita for 20 years and that has only happened three times.

CHAIRMAN DOWNING suggested that each City be discussed and voted upon separately, which would give City representatives a chance to address the Commission.

CITY OF MAIZE

KIM EDGINGTON, PLANNING ADMINISTRATOR, CITY OF MAIZE, said Maize had some minor changes to the proposed zoning area of influence such as moving the western boundary 1/2 mile to the west, to 135th Street. She commented that the way the proposed boundary was configured there were some areas within Maize's city limits that were not in the revised zoning area of influence. She also asked about extending the boundary between K-96 and 53rd Street, east to Ridge Road. She also noted that the river was a natural boundary along the north.

Responding to **HENTZEN** on clarification of the map, **MILLER** explained that the green line is what is currently adopted and in place today; the red line is what staff is recommending; and the yellow line is what Maize is requesting.

There was brief discussion concerning the City of Wichita extending water and sewer north along Ridge Road.

MOTION: To approve the Maize zoning area of influence subject to staff recommendations.

MCKAY moved, **HILLMAN** seconded the motion, and it carried (13-0).

CITY OF PARK CITY

(A representative from Park City was not present at the meeting, nor was a representative present for Kechi.)

MOTION: To move the area east of Hydraulic, between 85th and 93rd Streets North; the area east of I-35 south of 109th Street to Kechi's existing northern city limits, and the area located south of 77th Street, east of Hillside to Kechi's existing city limits, out of Park City's zoning area of influence and to Kechi's zoning area of influence.

DUNLAP moved, **MCKAY** seconded the motion, and it carried (11-2). **MARNELL** and **BISHOP** – No.

Responding to a question from **HENTZEN** concerning notification of today's meeting, **MILLER** explained that written notice of the public hearing was forwarded to all small cities. In addition, he said he placed follow-up phone calls to each city; and, although he did not speak to anyone at Kechi, he left three messages.

CITY OF DERBY

HENTZEN suggested this item be deferred until the cities of Wichita and Derby settle the area between 47th and 55th Streets South.

MOTION: To defer making a decision on this item.

HENTZEN moved, **MITCHELL** seconded the motion, and it carried (13-0).

CITY OF BEL AIRE

JENNIFER ROSE, ASSISTANT CITY ADMINISTRATOR, provided Commissioners a copy of correspondence dated September 18, 2006, where she provides comments on the proposed changes to Bel Aire's zoning area of influence. She referenced the area just south of the unincorporated area along 53rd St, North west of Rock Road/79th Street, and said the City of Bel Aire has economic development and investment in that area and she would appreciate it if the Commission would take that into consideration when making their final decision.

SCOTT KNEBEL, PRINCIPAL PLANNER reported that the three quarter sections along 45th Street North are in the future growth area for City of Wichita and that is why they are not included in Bel Aire's zoning area of influence.

There was brief discussion concerning ownership of airport property (which **SCOTT KNEBEL** later verified was owned by the City of Wichita).

ROSE also mentioned that Bel Aire is running water to the southeast corner of Webb and 46th Streets for commercial development.

Tape 1, Side 2

MOTION: To approve the Bel Aire zoning area of influence subject to staff recommendations.

MITCHELL moved, **HENTZEN** seconded the motion.

DUNLAP said he thought it was more logical for the unincorporated area to be in the Kechi zoning area of influence not Bel Aire's because he thought it was a natural boundary; however, he said he realized that was not part of the motion.

Requesting clarification, **GISICK** commented that the motion does not give the unincorporated area to Kechi. He said he preferred that it go to Bel Aire, since historically it has been with Bel Aire until two years ago.

SUBSTITUTE MOTION: To approve the Bel Aire zoning area of influence, subject to staff recommendations, except to include the unincorporated area along 53rd Street west of Rock Road in Bel Aire's area.

GISICK moved, **ALDRICH** seconded and the substitute motion, and it carried (10-3).
MITCHELL, MCKAY and **DUNLAP** – No.

CITY OF GODDARD

KAREN BAILEY, CITY CLERK, introduced the following people who were present to represent the City of Goddard: Jerry Milam – Planning Commission Chairman; Monty Barnickle - Zoning Administrator; Teri Laymon - Assistant City Clerk/Planning Secretary; Marcey Gregory - Planning Commission and future Mayor and Barney Sullivan - Planning Commissioner.

BAILEY said this proposal would take eight square miles of Goddard's zoning area of influence. She said they want to be a part of the planning process for the 254-Highway project since the Kansas Department of Transportation (KDOT) is actively acquiring right-of-way around the area for that purpose. She said the proposed northeast "stair step" would take away Goddard's ability to be a part of the planning process for the transportation corridor. She said Goddard also provides water service to 151st Street and that there is also a water treatment facility currently in the design phase for the northeast area. She said they were told that their only option was to annex, but they felt they should come back to the MAPC and plead their case. She concluded by pointing out that 151st Street has a Goddard zip code and is also in the Goddard School District. She added that the Goddard School District goes beyond the proposed zoning area of influence.

SHERMAN asked about Goddard's development pattern. Was Goddard developing to the northeast or southeast?

BAILEY said Goddard has seen growth patterns around Maple and 183rd in the last 2 years. She also answered a question concerning the location of several schools in Goddard at 199th Street South.

Responding to a question from **GISICK** concerning the unanimous vote requirement to overturn a recommendation, and the fact that staff could not find any other jurisdiction with that requirement, **MILLER** explained that the provision was approved in 1985 as part of county-wide zoning.

Responding to a question from **ALDRICH** concerning the purpose of the "stair stepping" in the northeast corner and whether the City of Wichita had any type of infrastructure there, **MILLER** said the "stair stepping" represents the City of Wichita's adopted growth area. He said the area directly to the east has been annexed and platted or is currently in the process of being platted for development.

KNEBEL said he would like to clarify the statement he made at the Advance Plans meeting. He said the difference between Goddard's zoning area of influence and other cities, such as Maize and Bel Aire, is that the area being discussed is currently in Goddard's zoning area of influence. He said the other two cities were requesting expansion of their zoning areas of influence into areas that the MAPC has recommended as future growth areas for the City of Wichita. He said to be consistent countywide, the City of Wichita supports having all of its growth area outside the zoning areas of influence of other cities. He added, however, that he saw Goddard's point considering what was decided on Derby today, and suggested the Cities of Wichita and Goddard enter into discussion regarding the proposed eastern border.

MCKAY asked about the area south of Highway 54.

KNBEBEL said that was in the growth area plan, but he agreed that the area needs to be looked at a little closer.

MITCHELL asked about the possibility that everything south of Highway 54 remain with Goddard and that everything north of Highway 54 be negotiated.

MOTION: To defer this item.

GISICK moved, **BISHOP** seconded the motion.

SUBSTITUTE MOTION: To leave Goddard's zoning area of influence boundary as it currently stands.

DUNLAP moved, **HILLMAN** seconded the motion, and it carried (8-5).

ALDRICH, BISHOP, MITHCELL, MARNELL and **VAN FLEET** – No.

CITY OF COLWICH

MOTION: To approve the Colwich zoning area of influence subject to staff recommendations.

MCKAY moved, **HILLMAN** seconded the motion, and it carried (13-0).

(A representative was not present from Colwich.)

CITY OF BENTLEY

MOTION: To approve the Bentley zoning area of influence subject to staff recommendations.

ALDRICH moved, **MARNELL** seconded the motion, and it carried (13-0).

(A representative was not present from Bentley.)

CITY OF VALLEY CENTER

MILLER reported that Valley Center was asking for all of their school districts to be in their zoning area of influence, but staff was recommending a smaller area.

CHAIRMAN DOWNING asked if anyone from Valley Center or surrounding cities wanted to comment on the item. (Valley Center did not have a representative at the meeting.)

MOTION: To approve the Valley Center zoning area of influence subject to staff recommendations, and that the area west of I-135 up to 125th Street North (previously discussed with Kechi's boundary) be included in Kechi's zoning area of influence.

DUNLAP moved, **MCKAY** seconded the motion.

Responding to **BISHOP'S** question about the rationale for that recommendation, **DUNLAP** said that would follow the school district boundary.

MITCHELL commented that there was a considerable area between West Street and the western boundary north of the Arkansas River. He said he did not think it was practical that this be included in Valley Center's zoning area of influence if they cannot provide utilities for the area.

AMENDMENT TO THE MOTION: **JOHNSON** suggested amending the motion to make the floodway the boundary. **DUNLAP** agreed to the amendment.

MILLER suggested that any boundary that is established be very visible so it can be easily explained to applicants and other interested parties. He said from an administration standpoint, a section line or road would be more practical. There was brief discussion. It was decided that the boundary be the west boundary line of the Little Arkansas River Floodway.

SUBSTITUTE MOTION: To approve the Valley Center zoning area of influence subject to staff recommendations.

MARNELL moved, **BISHOP** seconded the motion, and it carried (7-6).

ALDRICH, HENTZEN, HILLMAN, JOHNSON, MCKAY, MITCHELL – No.

CITY OF KECHI

MOTION: To approve the Kechi zoning area of influence subject to staff recommendations and as modified by the previous motion.

DUNLAP moved, **GISICK** seconded the motion, and it carried (13-0).

OTHER CITIES NOT SPECIFICALLY DISCUSSED

MOTION: That the Cities that did not take any action to modify their zoning areas of influence be left as currently listed.

MCKAY moved, **SHERMAN** seconded the motion, and it carried (13-0).

HENTZEN requested that staff prepare a map showing all the changes to city's zoning areas of influence that were approved at today's hearing. **DIRECTOR SCHLEGEL** explained that since the actions changed the Uniformed Zoning Code, a new map would be prepared as a part of the process.

11-1. Request by Frank A. Butts and Julie Marshall that the Planning Commission initiate the rezoning of the Diamond Addition to Oatville Robinson Reserve.

BERKAMP, representing Frank A. Butts, 3918 South Young, said Mr. Butts can't sell his house because the bank won't loan money to the prospective buyers because the property is located in industrial zoning.

MILLER reported that staff received a telephone call from the property owner whose home is zoned "LI" Limited Industrial. The property owner stated that he was trying to sell his home but potential buyers can't get a loan because of the way the area is zoned. He wanted to know what it would take to rezone the area, since the whole neighborhood was "LI". **MILLER** said staff is requesting that the MAPC direct them to study the issue and bring a recommendation back to include rezoning the whole area or dealing with this request as a single zone change case.

DUNLAP said although he agreed about rezoning the whole area, time was key since the potential buyer may disappear. He suggested doing this as a separate case and addressing the other issue later.

BERKAMP said he thought the area was zoned to "LI" when they put the rock crusher south of MacArthur. **MCKAY** commented that had nothing to do with zoning of the area.

HENTZEN asked if a conditional use permit would satisfy the mortgage lenders. **MILLER** said he didn't know.

GISICK asked staff about the commission's ability to do a "spot zoning" on this item today? **MILLER** said Mr. Butts needed to go through the application process, advertisement, public hearing notice, etc., just like any other applicant.

BISHOP said cost wise it made more sense to rezone the entire neighborhood instead of having each individual proceed separately.

MOTION: To direct staff to study zoning of the Diamond Addition.

JOHNSON moved, **BISHOP** seconded the motion, and it carried (13-0).

MARNELL asked if it were decided to rezone the area, would individuals be given the opportunity to "opt out" and leave the zoning as is? Staff said they believed they could make that an option.

WORKSHOP. CHAIRMAN DOWNING asked commission members if there was any interest in holding a workshop? He suggested discussion topics such as basic platting and conditional use permits. He requested that commission members provide input to **DIRECTOR SCHLEGEL** within the next of couple of weeks including possible dates and times. He said if no one responds, then they won't press it any further.

The Metropolitan Area Planning Department informally adjourned at 3:07 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2007.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)